

Case 3:06-cv-00448-PLR-CCS Document 457 Filed 08/31/09 Page 1 of 18 PageID #: 8827

OBJECTION KEY:  
INTENDED TRIAL EXHIBITS

<b>CODE</b>	<b>OBJECTION</b>
<b>106</b>	PARTIAL DOCUMENT; LACKS CONTEXT: These objections specify the portion of the document that Alcoa requests be included under the rule of completeness.
<b>901</b>	FAILURE TO IDENTIFY DOCUMENT
<b>BER</b>	BEST EVIDENCE RULE
<b>H</b>	HEARSAY
<b>HWBR</b>	HEARSAY WITHIN A BUSINESS RECORD (OR DOCUMENT THAT PLAINTIFFS SEEK TO ADMIT UNDER ANOTHER EXCEPTION TO THE HEARSAY RULE): Documents marked with this objection contain hearsay statements within them.
<b>LC</b>	LEGAL CONCLUSION
<b>LD</b>	LENGTHY DOCUMENT: Plaintiffs have not designated limited, specific portions of this lengthy exhibit that they intend to rely upon at trial. Accordingly, while at this time Alcoa asserts certain objections to the exhibit, Alcoa also reserves the right to assert any applicable objections to specific parts of the exhibit, depending on the specific parts of the exhibit Plaintiffs seek to use at trial.
<b>LF</b>	LACKS FOUNDATION: This document includes statements about which the author or declarant lacks personal knowledge.
<b>MD</b>	MULTIPLE DOCUMENTS
<b>MIL</b>	MOTION <u>IN LIMINE</u> : This document is subject to a pending motion <u>in limine</u> filed by Alcoa, and is objected to on all the grounds enumerated in that motion.
<b>R</b>	LACKS RELEVANCE

**Charles Curtis, et al. v. Alcoa Inc.**  
**(No. 3:06cv448)**

**Alcoa's Objections to Plaintiffs' Intended Trial Exhibits**

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
11	Handwritten notes - Review of Proposed Settlement	MIL, H, HWBR, LF
12	Handwritten notes Pittsburgh	MIL, H, HWBR, LF
13	Handwritten notes on Healthcare Meeting	MIL, H, HWBR, LF, BER (exhibit appears to be in reverse order of original)
16	Murphy's Notes for 2001 Negotiations	H, HWBR, LD, 106 (missing two pages)
17	Various revisions of Cap Letter	H, LD
18	Handwritten notes	MIL, H, HWBR
22	1988 CBA USW - Alcoa, Badin, Bauxite, & TX excerpt	106 (full document)
24	Declaration of Ernie LaBaff	H
25	Declaration of John Murphy	H
26	John Murphy's handwritten notes from 2001	H, HWBR, BER (exhibit is inaccurate duplicate of the original)
31	Handwritten notes RMC Alcoa meeting	106 (ALC_CUR_00031239-42)
36	Meeting Notes - Richmond	LD, MD
38	1996 Negotiations	MD
43	Letter from Towers Perrin to McDonald	R
44	Letter from Towers Perrin to McDonald	R
45	Letter and Proposal from Coopers to McDonald re RMC Retirement	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
47	Fax to McDonald from Gulotta re FS106	MD
48	93-96 USWA Master – unpublished letters	106 (ALC_CUR_00047489-524)
50	Buck Consultants Medical Plans Review	R, HWBR
52	Gambill Memo re FASB	R, HWBR
55	IR Council meeting notes	LD
59	Pre-US Employee Relations Strategy Meeting (has a black front) Retirement Strategy Agenda FAS No. 106 Analysis	R, H, 106 (ALC_CUR_00078932-36)
60	Email from Lammel re US Retirement Strategy	R
61	US Retirement Strategy	R, H
63	1994 Labor Contract Negotiations	R, HWBR
65	IR Council & Top Level Meeting	R
66	Email	LD, MD
70	Letters of Understanding	MD, R, 901
76	“Negotiations Chronology”	901, MD
77	“Memorandum of Settlement”	106 (USW023422-30)
78	Alcoa USW CBA	R, 106 (full document)
79	Alcoa USW CBA excerpt	106 (ALC_CUR_00000102)
80	Beasley's Handwritten notes	MIL, H, HWBR, LF, MD, BER (numerous pages are missing from the photocopied exhibit, one page appears to be cut off in the middle)

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
81	Newsline 309	H, R
82	Newspaper articles	H, R
83	Handwritten notes of meeting	MIL, H, HWBR, LF, MD
84	Benefits Sub Committee notes	MIL, H, HWBR, LF
85	Email - Meeting Material	H, LF
86	Letter to Richard Adams re Reynolds Retiree Medical Cap	H, R
88	Handwritten notes of August 27th Health Care Meeting	H, HWBR, LF
89	Email re Lammel stating that "Cap was for accounting purposes only"	H, LF
90	Email re Retiree Letter Draft for Review	R
91	Email re Cap not decipherable	R
92	Email re USW Master Settlement	R
93	Email re FASB Pension Accounting	R
94	Retiree Medical Meeting # 7	R, HWBR
95	Oxley Memo re Health Care Committees	R
96	Email - Medicare 28% Subsidy	R, 106 (ALC_CUR_00273845-50)
97	Email - "Master Cap Issues"	H, R
98	2006 Cap Pricing- Email	H, R
99	Email and attachments – "Relative Values and Proposed Plan Projections"	H, R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
100	"Bellwood Select Benefits" Email	R, 106 (ALC_CUR_00259431-46)
101	"Uncapped Medical Liability" Email	R, MD
102	Handwritten notes	R, LF
103	Buck letter re Retiree Medical Negotiation Alternative	MD
104	Gravest Darkest Hour	R
105	Email re Retiree Medical Update and Need for Decision	R
106	2003 OPEB Annual Report Disclosure	R
107	Email re Master Agreement Hourly Bargained	H, R
108	Email re USWA Retiree Medical Caps	R, 106 (ALC_CUR_00253477)
109	Email re "Is my logic correct?"	R
111	Email re Retiree Rx and caps for closed locations	R
112	Email re Draft letter to retiree medical consultants	R
114	Email re Post 1993 Retiree Cap Model	R, 106 (ALC_CUR_00273588-610)
115	Email re USWA Negotiations	R, HWBR
116	Email re FW - Retiree Medical Caps	R, 106 (ALC_CUR_00205704)
118	Alcoa FlexChoice Benefits Proposal	MD
122	Handwritten notes - St. Louis	HWBR, 106 (ALC_CUR_00062850-53)
124	Retiree Medical Plan (price list)	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
125	Forecast of 2007 FAS 106 Expense by Buck Consultants	R, 106 (ALC_CUR_00310947-48; ALC_CUR_00310953-55)
129	2007 Enrollment package	106 (missing every other page)
130	Declaration of Carol Story	H
131	Declaration of Harvey Martin	H
132	Expert Report of Ian H. Altman with list of documents reviewed and CV	Subject to 8/27/2008 Ruling of Mag. J. Shirley
134	Master Valuation spreadsheet	R, MD
135	Master CAP Setting Assumptions	R, 106 (missing every other page)
136	E-mail from Wolfe to Woodward	R
137	Document titled "Background Information"	901
139	E-mail. USWA Retiree Medical Strategy	R
140	Draft Copy of Press Release	R
141	E-Mail. FAS Plan Amendments	R
142	E-mail 2006 Retiree Underwriting for Union Negotiation (02162006)	R
143	E-Mail attaching Master Pre-Retirement 6 1993.xls; Master Post Retirement 6 1993.xls	R
144	E-mail Update Cap Projection	R
145	E-Mail USW Analysis - Post 1993 Retiree Per Capita Costs and Cap	R
146	E-Mail 2USW, 5 Alcoa Alternatives & 1 Company	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
147	Alcoa Inc. January 1, 2007 Valuation Per Capita v. Cap Comparison	R
148	Headcounts	R
149	Headcounts	R
150	2007 1 Report	R
151	Re: Retiree Medical Cap	R
152	Re: Alcoa - USWA Retiree Medical Caps	R
153	Email - Retiree Medical Cap Analysis from Duane Lee	R
154	Email - OPEB Negotiation material - Projected Census	R
155	"Cap recap to Duane Lee"	R
156	Email - Projected Census for Master Locations	R
157	Email- Uncapped Medical Liability	R
158	Response to Plaintiff Huffstetler to Defendant's Interrogatories	R, H
159	Response of Plaintiff Brenda Loveday to Defendant's Interrogatories	R, H
160	Total Compensation - Health Care Agreement - Summary Plan Description for active hourly employees pursuant to Agreement with USWA	R
161	Health Care Agreement (Summary Plan Description)	R
162	Your Retiree Benefits Handbook - Alcoa	R



Plaintiffs' Exhibit	Plaintiffs' Description	Objections
164	Declaration of Chester Gentry	R, H
167	E-mail from C. Burnell to T. Mordowanec, Proposal on Open Items	R
171	E-mail exchange from C. Burnell to P. Thomas, et. al., USW Summary of Proposed Agreement	R
173	Email exchange between Paul Boutin to Kathleen Kohan, cc Wolfe, McCullough, Kovaloski, Mon	R, H
174	Retiree Medical Cap 9.27.01	H
175	Memorandum of Understanding between Alcoa and USWA Period of Agreement: 6/01/01 through 5/31/06 with Attachments A - V	LD, 106 (USW010463-512)
176	Chart - Projected Master Agreement on Caps	R
177	Retiree Medical Plan	R
178	Alcoa - Closed/Sold location "share" of \$30 million	R
179	Chart - number of retirees	R
180	Email re 2006 Bargaining Retiree Medical Cap	R
181	Alcoa Memo from E.J. Edwards to B.U. Presidents, et. al. dated 10/20/92 re: Allocation of Retiree Medical and Life Expenses (actives are vested) - 184 pages	LD, MD
182	E-Mail Summary in Response to Cap email from yesterday	R, 106 (ALC_CUR_00205715-20)
183	E-Mail USWA Negotiations - Retiree Medical draft language - Confidential	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
184	Email - OPEB Alternatives for Master Locations	R
185	Handwritten notes	901, 106 (ALC_CUR_00035947-48; ALC_CUR_00035950-52)
186	Email exchange between Douglas Dean and Lauren McCullough	R
187	Variable Caps	901, 106 (ALC_CUR_00078155-68; ALC_CUR_00078170-80)
188	Truth or Talk? The retiree medical cap: Is it really an "accounting scheme?"	R
189	Email from J. Quaglia (printed by Nicholaas Storm); subject WE ARE GOING HOME	R, 106 (ALC_CUR_00176974)
190	Email from Wendy J. Boehm to Thomas Thurman; subject ROCKDALE RETIREE MEDICAL	R
192	Form 10-K- Bellsouth Corporation	R
193	1996 Reynolds Cap letter to LaBaff - Memorandum of Settlement	106 (ALC_CUR_00120327-36)
194	1993 Alcoa cap letter to LaBaff - Memorandum of Settlement	106 (ALC_CUR_00125101-28)
195	1988 CBA - Master Agreement between Reynolds Metals Company and United Steelworkers of America	R
200	Pleading No. 329 - Notice of Reliance USW	MIL
201	Pleading No. 334 - Notice of Reliance USW	MIL
202	Pleading No. 345 - Notice of Reliance USW	MIL

Plaintiffs' Exhibit	Plaintiffs' Description	Objections
203	Pleading No. 357 - Affidavit in response to Notice of Reliance	MIL
204	Pleading No. 358 - Affidavit in response to Notice of Reliance	MIL
205	Pleading No. 429 - Affidavit in response to Notice of Reliance	MIL
206	Pleading No. 398 - Affidavit in response to Notice of Reliance	MIL, BER (exhibit appears to be in reverse order of original)
207	Pleading No. 419 - Affidavit in response to Notice of Reliance	MIL
208	Pleading No. 420 - Affidavit in response to Notice of Reliance	MIL
209	Pleading No. 426 - Affidavit in response to Notice of Reliance	MIL
213	2006 USW Collective Bargaining Department Doc. 37	MD, LD, 901
214	Declaration of Michael Yoffee (Pringle v. Continental, U.S. District Court No. 3:06-cv-02985-DAK)	H, R
215	Supplemental Expert Report of Ian H. Altman FSA	R, MIL
216	Case: <i>International Union UAW v. Aluminum Co. of America</i> , 932 F. Supp. 997 (N.D. Ohio 1996).	R
217	Case: <i>Noe v. Polyone Corp.</i> , 2008 SL 723769 (6th Cir. March 19, 2008).	R
218	Case: <i>International Union v. Yardman, Inc.</i> , 716 F.2d 1476 (6th Cir. 1983)	R
219	Case: <i>Yolton v. El Paso Tenn. Pipeline Co.</i> , 435 F.3d 571 (6th Cir. 2006).	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
220	1986 Collective Bargaining Agreements	R, 106 (full document)
221	1988 Collective Bargaining Agreements (excerpt)	R
222	1979 Alcoa Summary Plan Description	R
223	1981 Alcoa Summary Plan Description	R
224	1986 Summary Plan Descriptions for Active and Retired Employees	R
225	1990 Reynolds Metals Company Summary Plan Description	R
226	1986 Alcoa Collective Bargaining Agreement and Summary Plan Description Language Table	R, BER
227	1998 Alcoa Collective Bargaining Agreement and Summary Plan Description Language Table	R, BER
228	1988 Reynolds Metals Company Collective Bargaining Agreement and Summary Plan Description Language Table	R, BER
229	1993 Alcoa Collective Bargaining Agreement and Summary Plan Description Language Table	BER
230	1993 Reynolds Metals Company Collective Bargaining Agreement and Summary Plan Description Language Table	BER
231	1996 Alcoa Collective Bargaining Agreement and Summary Plan Description Language Table	BER
232	1996 Reynolds Metals Company Collective Bargaining Agreement and Summary Plan Description Language Table	BER

Plaintiffs' Exhibit	Plaintiffs' Description	Objections
233	2001 Alcoa Collective Bargaining Agreement and Summary Plan Description Table	BER
234	USWA Master Agreement 2005 Labor Negotiations Covered Locations	R, 901
235	Handwritten notes Health Care Table 8-27-05 2:00 p.m Plaza 2-3	HWBR, LF
236	Amended Complaint for Violation of Labor Contracts - Pringle v. Continental, Case No. 3:06-cv-02985, U.S. District Court, Northern District of Ohio, Western Division	R
237	Second Amended Complaint - Todisco v. Verizon Communications, Case No. 01 - 12116MLW, U.S. District Court, District of Massachusetts	R
238	Complaint - Management Employees of AT&T v AT &T, Docket No. 98-3660, U.S. District Court for the District of New Jersey	R
239	Amended Class Action Complaint - Management Employees of AT&T v. AT&T, Docket No. 98-3660, U.S. District Court for the District of New Jersey	R
240	Third Amended Class Action Complaint - Management Employees of AT&T v. AT&T, Docket No. 98-3660, U.S. District Court for the District of New Jersey	R
241	Supplemental Fourth Amended Class Action Complaint - Management Employees of AT&T v. AT&T, Docket No. 98-3660, U.S. District of New Jersey	R
242	Master Agreement between Reynolds Metals Company and United Steelworkers of America	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
253	Memorandum of Understanding (Alcoa and USWA) Period of Agreement: 6/1/01 through 5/31/06	106 (USW010564-611)
254	Memorandum of Understanding (Alcoa and USWA) Period of Agreement: 6/1/01 through 5/31/06	106 (USW010654-702)
255	Memorandum of Understanding (Alcoa and USWA) Period of Agreement: 6/1/01 through 5/31/06	106 (USW010747-770)
256	Memorandum of Understanding Period of Agreement: 6/1/01 through 5/31/06	106 (USW010826-874)
257	Memorandum of Understanding Period of Agreement: 6/1/01 through 5/31/06	106 (USW010926-974)
258	Memorandum of Understanding Period of Agreement: 6/1/01 through 5/31/06	106 (USW011019-069)
259	USW Collective Bargaining Dept. Document 53	106 (USW011019-069)
260	2001 Company Economic Proposal	R
261	Interest Arbitration Agreement	R
263	2005 Company Final Economic Proposal	R
264	Interest Arbitration Agreement	R
265	Interest Arbitration Agreement	R
266	Implementation Procedure for Joint Contracting Out Process Guiding Principles	R
268	Letter from Eugene Woloshyn to Richard H. Davis, both confirmed by Richard Davis	R

<b>Plaintiffs' Exhibit</b>	<b>Plaintiffs' Description</b>	<b>Objections</b>
269	Reynolds Metals Company 1993 Troutdale Craft Negotiations Memorandum of Understanding	MD
271	Memorandum of Settlement	106 (ALC_CUR_00027988-94)
274	Extension Agreement	R
275	Extension Agreement	R
276	Master Agreement Settlement	MD
280	Letter from Jack Golden to Robert Newman dated July 1, 1993; Letter from Jack Golden to Robert Newman dated June 22, 1993; Letter from Robert Newman to Jack Golden dated June 15, 1993 transmitting signature page; signature page	R
284	Late Filed Exhibit to Brenda Loveday's deposition	R, 901
285	Consolidated Amended Complaint for Violations of the Employee Retirement Income Security Act; In Re: The Goodyear Tire & Rubber Company ERISA Litigation; U.S. District Court, Northern District of Ohio (Akron) Civil Docket No. 5:03-cv-02180	R
286	Alcoa Total Compensation Retirement - Employees' Retirement Plan of Aluminum Company of America Plan II	MD
287	Agreement between Aluminum Company and International Union, United Steelworkers of America (1986 CBA)	R
290	1997 Alcoa Form 5500 Schedule B	R
291	1998 Alcoa Form 5500 Schedule B	R

Plaintiffs' Exhibit	Plaintiffs' Description	Objections
292	1988 Collective Bargaining Agreement (1988 CBA)	R
293	Summary Table of Plan Documents	Plaintiffs have not provided.
296	New exhibit related to Hilko deposition Exhibit 547	R
297	Declaration of Brenda Loveday	H, R
298	1980 Pension Plan SPD	R
299	Letter from E.T. Woloshyn to Richard H. Davis with handwritten notes	H
300	Letter from Alcoa Benefits, North America HR to Employee	R
301	2008 Welfare/Healthcare Benefits Alcoa SPD	R
302	Master Plan Prescription Drug Benefits	R
303	Alcoa Retirement Plan II Rule 11D-Form A	R

August 31, 2009

Respectfully Submitted,

**ALCOA INC.**

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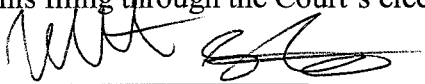
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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Parties may access this filing through the Court's electronic filing system.

A handwritten signature in black ink, appearing to be "W. A. [unclear]", written over a horizontal line.

Counsel